

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**KEN JOSEPH**

*Plaintiff*

v.

**BARCLAYS BANK DELAWARE**

*Defendant*

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CASE# 1:16-cv-00030-AT-RGV

**PLAINTIFF'S MOTION FOR LEAVE TO FILE SUR-REPLY**

TO THE HONORABLE JUDGE OF THIS COURT:

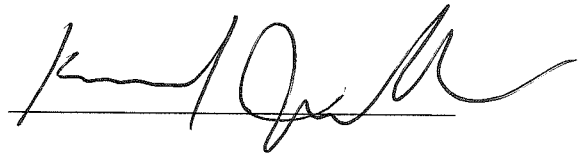
Plaintiff Ken Joseph, respectfully submits this motion for leave to file a sur-reply to Defendant's reply pursuant to Fed. R. Civ P. 7(b). A memorandum in support of this motion is attached hereto.

Nothing in the Federal Rules of Civil Procedure or this Court's Local Rules prohibits the filing of sur replies. See USMoney Source, Inc., v. Am. Int'l Specialty Lines Ins. Co., No. 1:07-cv-0682-WSD, 2008 WL 160709, at \*2 n.5 (N.D. Ga. Jan.15, 2008) (granting parties' motion to file supplemental briefing and noting that although sureplies are not allowed as a matter of right, "the Court may in its discretion permit the filing of a surreply where a valid reason for such addition briefing exists.")

The Plaintiff respectfully requests that the Court exercise its discretion and grant leave to file a surreply to clarify the record and to respond to Plaintiff's argument in his reply.

**WHEREFORE**, for the foregoing reasons, Plaintiff respectfully request that this Court grant his Motion for Leave in the form attached hereto and consider Plaintiff's Sur-reply in evaluating Defendant's Motion to Dismiss.

This 29th day of February, 2016.

A handwritten signature in black ink, appearing to read 'Ken Joseph', written over a horizontal line.

Ken Joseph  
596 Middleton Place  
Grayson, GA 30017  
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Service to:

BARCLAYS BANK DELAWARE  
c/o  
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**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the document above was sent by first class mail USPS to counsel of record listed below for Defendant.

BARCLAYS BANK DELAWARE

c/o

Wyrick Robbins Yates & Pronton, LLP

Michael D. DeFrank

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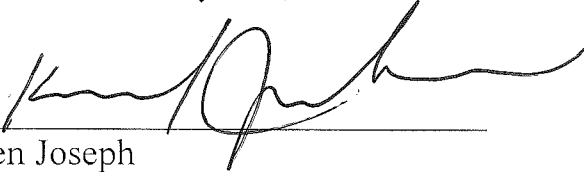
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Dated: February 29<sup>th</sup>, 2016

A handwritten signature in black ink, appearing to read 'Ken Joseph', is written over a horizontal line.

Ken Joseph

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